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License No. R052764

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health, safety, and welfare, and imperatively require emergency action in that Licensee may endanger the health and safety of those persons who are or will be entrusted to his care in the future and that these are matters of a nature that would constitute further grounds for discipline under SDCL § 36-9-49.

4. Based upon these findings, Licensee's license to practice as registered nurse in South Dakota is hereby summarily suspended. Licensee shall turn in his license to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.


5. Licensee is hereby notified that any practice of or holding himself out as a registered nurse during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68A(5).

6. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.

7. This summary suspension continues pending proceedings for revocation or other action. Contested case proceedings under SDCL 1-26 shall be promptly instituted so that the Board may enter a final determination regarding disciplinary or corrective action after a formal contested case hearing.

Dated this 9<sup>th</sup> day of February, 2022.

SOUTH DAKOTA BOARD OF NURSING

  
Linda Young, RN, MS, FRE  
Executive Director

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on probation status with a stayed revocation. It is a violation of the Nurse Practice Act, SDCL 36-9-49(4) to commit an alcohol or drug related act or offense that interferes with the ability to practice nursing safely; or (6) to have a license or privilege to practice as a registered nurse, licensed practical nurse, certified registered nurse anesthetist, or clinical nurse specialist denied, revoked, or suspended or had other disciplinary action taken in another state, territory, or foreign country.

6. The disciplinary pleadings in the State of California are attached as **Exhibit A**.

7. Pursuant to the disciplinary documents issued in California, Licensee's California license was placed on probation for a period of three years, beginning August 13, 2021. The terms of Licensee's probation require direct supervision of his nursing practices and limited his employment options. The probation order also required he complete a nursing course, physical and mental health examination, counseling, and a six month board-approved treatment/rehabilitation program, as well as any recommended after care. The probation order prohibited Licensee from using controlled substances and required testing.

8. The stayed revocation and probation order issued by the State of California arose mostly out of an incident on November 17, 2017, when Licensee was contacted by police due to reports of drunk driving and Licensee admitted to consuming Xanax and hydrocodone that day and also consuming 10 to 15 pills of hydrocodone per day. The officer observed several prescription bottles located in the center console of the Licensee's vehicle. Licensee's blood sample tested positive for hydrocodone, hydromorphone, and alprazolam. Licensee had a history of reckless driving charges in 1995 and DUI in 2004.

9. The disciplinary pleadings in the State of North Dakota are attached as **Exhibit B**.

10. Pursuant to the disciplinary documents issued in North Dakota, Licensee's North Dakota license was suspended on November 22, 2021, because Licensee failed to cooperate with the Board's investigation regarding the discipline issued in California and would not submit to a chemical dependency evaluation upon request.

11. The Licensee's application submitted on October 29, 2019 is attached as **Exhibit C**.

12. The Licensee's renewal application submitted on January 21, 2021, is attached as **Exhibit D**.

13. After receiving notice through NURSUS of the disciplinary action taken in California and North Dakota, I reached out to Licensee to discuss the action taken against his license in California and to further confirm compliance with the probationary terms. Licensee has not, to date, discussed the discipline with me or provided proof of compliance with the probation terms.

14. Licensee has failed to cooperate with the complaint against his license, despite the fact that I provided Licensee notice of the complaint and requested his written response to the complaint. I have reached out to Licensee numerous times seeking his cooperation. Attached as **Exhibits E and F**, are my correspondence with Licensee and notes of attempts to contact him.

15. At this time, Licensee has an unencumbered single-state license in South Dakota. The probation and suspension in California and North Dakota restrict his single-state license in each of those states, but Licensee does not hold a multi-state license. Licensee could still currently practice in South Dakota under South Dakota license R052764, as shown in **Exhibit G** attached.

16. Based upon the allegations in the complaint the Board received, and my initial investigation, particularly Licensee's failure to cooperate, I find the public health, safety, and welfare imperatively require emergency action in that Licensee's actions may endanger the health and safety of persons entrusted to Licensee's care and that Licensee's license should be summarily suspended until further Order of the Board.

17. A formal hearing cannot be held in this matter until May 11, 2022, but I believe the public health requires his license be summarily suspended until this matter can be heard by the Board.

Dated this 19<sup>th</sup> day of January, 2022.

Francie Miller, RN  
Francie Miller,  
Nurse Program Specialist

Subscribed and sworn to before me  
this 19 day of January, 2022.

Erin M. Mathews  
Notary Public - South Dakota  
My commission expires: 01/08/2026